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U.S. DISTRICT COURT
N.D. OF ALABAMA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN

LARRY BROWN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	**CIVIL ACTION NO.:**
	)	
RAMADA BIRMINGHAM	)	
AIRPORT a/k/a BRITNEY CHAU,	)	
LLC	)	
	)	
Defendant.	)	**JURY DEMANDED**

COMPLAINT

I. INTRODUCTION

This is a suit authorized and instituted pursuant to the "Civil Rights Act of 1866," 42 U.S.C. § 1981. The jurisdiction of this Court is invoked to secure protection of and redress deprivation of rights secured 42 U.S.C. § 1981 providing for injunctive and other relief against race discrimination and retaliation.

II. JURISDICTION AND VENUE

1. Jurisdiction is invoked pursuant to 28 U.S.C. §§ 1331, 1343(a)(3), and 1343(a)(4).

2. A substantial part of the unlawful employment practices challenged in this action occurred in the Northern District of Alabama. Venue is proper pursuant to 28 U.S.C. § 1391(b).

III. ADMINISTRATIVE PREREQUISITES

3. Plaintiff's claims arising under 42 U.S.C. § 1981 do not require administrative exhaustion and are subject to 28 U.S.C. § 1658's four year statute of limitations.

IV. PARTIES

4. Plaintiff, Larry Brown, (hereinafter "Brown" or "Plaintiff"), is an African-American male citizen of the United States over the age of nineteen (19) years and has been at all times pertinent to the matters alleged herein a resident of the State of Alabama.

5. Defendant, Ramada Birmingham Airport a/k/a Britney Chau, LLC (hereinafter "Ramada" or "Defendant"), is an entity subject to suit under 42 U.S.C. §1981. The Defendant does business in Jefferson County, Alabama.

V. STATEMENT OF FACTS

6. The Plaintiff realleges and incorporates by reference paragraphs 1-5 above with the same force and effect as if fully set out in specific detail hereinbelow.

7. The Plaintiff, Larry Brown, is an African-American who was hired by the Defendant in November 2014 as a Driver.

8. On or about July 3, 2015, Tom Chau [owner of the Ramada] ordered

Brown to move three vehicles from the property which had been parked for 30 days.

9. Subsequently Brown was arrested for grand theft auto and had to pawn his car title to get out of jail. The charges were later dropped. Brown requested that the Defendant reimburse him the money he spent clearing his name; however, that request was denied.

10. Brown later found out that Mr. Chau had previously asked the other African-American Driver to move the cars and he had refused. Mr. Chau did not ask the white Driver, Tom Miller to move the vehicles.

11. Mr. Chau engaged in a pattern and/or practice of discriminating against African-American employees in the terms and conditions of employment.

12. On November 24, 2015, Brown filed a charge of discrimination with the Equal Employment Opportunity Commission regarding the aforementioned incidents.

13. On December 28, 2015, Mr. Chau called Brown into a meeting and began to aggressively question Brown about the November 24, 2015 charge of discrimination.

14. On January 13, 2016, a co-worker called Brown and informed him that

Mr. Chau and the General Manager were asking employees to make false allegations of misconduct against him. January 13, 2016 was Brown's regularly scheduled off-day.

15. On January 14, 2016, Brown returned to work and was informed by the Defendant that he was being discharged for a "no show" on January 13, 2016, his off-day.

16. Brown was terminated in retaliation for reporting and opposing discrimination in employment. But for his complaint of discrimination on November 24, 2015, Brown would not have been terminated.

VI. CAUSES OF ACTION

COUNT I

RACE DISCRIMINATION IN VIOLATION OF 42 U.S.C. § 1981

17. Plaintiff realleges paragraphs 1 through 16 above and incorporates them by reference as if fully set forth herein.

18. Plaintiff has been discriminated against and treated differently than similarly situated Caucasian employees solely because of his race, African-American, in violation of 42 U.S.C. § 1981. This treatment by the Defendant has affected the terms and conditions of Plaintiff's employment.

19. This reckless and willful discrimination on the part of the Defendant constitutes a violation of the plaintiffs' statutory rights pursuant to 42 U.S.C. § 1981.

20. As a further consequence and effect of the Defendant's unlawful conduct and practices, the Plaintiff was deprived of income and other compensation and benefits.

21. Plaintiff has suffered embarrassment, humiliation, mental distress and emotional pain and anguish as a consequence of the Defendant's racially discriminatory, demeaning and unlawful conduct.

22. Plaintiff has no plain, adequate, or complete remedy at law to redress the wrongs alleged herein and this suit, and an action for injunctive, declaratory, and other relief, including punitive and compensatory damages, is his only means of securing adequate relief.

23. As a result of the Defendant's actions, the Plaintiff has suffered and continues to suffer severe emotional distress, mental anguish, embarrassment, humiliation, inconvenience, and loss of enjoyment of life.

24. This reckless, malicious, and willful discrimination on the part of the Defendant constitutes a violation of the Plaintiff's statutory rights pursuant to 42 U.S.C. 1981.

COUNT II

RETALIATION IN VIOLATION OF 42 U.S.C. § 1981

25. Plaintiff realleges paragraphs 1 through 24 above and incorporates them by reference as if fully set forth herein.

26. The affect of the Defendant's retaliation as outlined above has deprived Plaintiff of his right to make and enforce contracts to the full and equal benefit of regulations and all laws and proceedings for the security of Plaintiff's employment, in violation of 42 U.S.C. §1981 and 1981(a).

27. Defendant's conduct has violated Plaintiff's right to make and enforce contracts as is enjoyed by similarly situated persons in violation of 42 U.S.C. § 1981 and 1981(a).

28. Plaintiff has been retaliated against with respect to termination and the terms and conditions of employment.

29. Plaintiff has been damaged by virtue of Defendant's conduct alleged in the foregoing paragraphs, and he is entitled to recover damages from Defendant.

30. As a result of Defendant's actions, Plaintiff has suffered extreme harm

including, but not limited to, loss of compensation and other benefits and conditions of employment. Additionally, Plaintiff has suffered injury including pain, humiliation, mental anguish and suffering and loss of enjoyment of life.

31. The Defendant's retaliatory actions toward Brown were reckless, malicious, and willful and in violation of his statutory rights pursuant to 42 U.S.C. 1981.

VII. **PRAYER FOR RELIEF:**

WHEREFORE, the Plaintiff respectfully prays that this Court assume jurisdiction of this action and after trial:

1. Issue a declaratory judgment that the employment policies, practices, procedures, conditions and customs of the Defendant are violative of the rights of the Plaintiff as secured by 42 U.S.C. § 1981 and 42 U.S.C § 1981a;

2. As a result of the Defendant's actions, the Plaintiff has suffered and is continuing to suffer injury including emotional pain, suffering, humiliation, inconvenience, mental anguish, loss of enjoyment of life, and other non pecuniary losses;

3. The Plaintiff seeks to redress the wrongs alleged herein, and this suit for equitable, compensatory, punitive and/or nominal damages, and injunctive and declaratory relief is his only means of securing adequate relief;

4. Grant Plaintiff a permanent injunction enjoining the Defendant, their agents, successors, employees, attorneys and those acting in concert with them and at their request from continuing to violate 42 U.S.C. § 1981;

5. Enter an Order requiring the Defendant to make the Plaintiff whole by reinstating him to the position he would have continued to occupy in the absence of discrimination and retaliation;

6. The Plaintiff further prays for such other relief and benefits as the cause of justice may require, including, but not limited to, back pay, front pay compensatory, nominal, and punitive damages an award of costs, pre-judgment interest and attorneys' fees and expenses.

PLAINTIFF HEREBY DEMANDS A
JURY FOR ALL ISSUES TRIABLE BY JURY

Respectfully submitted,
/s/Roderick T. Cooks
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